

AF/3748



Attorney Docket: 381AS.42640RE
PATENT

#22
10-9-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.
Serial No.: 09/779,710 Group Art Unit: 3747
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE
Title: AIR FLOW RATE CONTROL APPARATUS

SUBMISSION OF THIRD SUPPLEMENTAL DECLARATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 26 2003

TECHNOLOGY CENTER R3700

Sir:

Submitted herewith, and responsive to the Interview Summary of August 26, 2003, is a Third Supplemental Declaration signed by the inventors of the present application.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

September 23, 2003

James F. McKeown
Registration No. 25,406

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JFM/acd

THIRD SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

AIR FLOW RATE CONTROL APPARATUS

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 CFR § 1.171 *et seq.*

We verily believe that, as provided in 37 CFR § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-53. For example, Claim 1 is unnecessarily limited to "a switching means for selectively disconnecting said driven means from said control valve" as well as "a detector," "a controller" and "an interface portion," features not specifically present in, for example, Claim 21. The assignee of this patent first discovered the error and the need for broadened claim coverage upon reviewing the patent as stated in the Declaration filed May 8, 2001.

The errors further include not claiming in Claims 1-20 the combinations of the motor-driven throttle valve element, the throttle sensor and the control circuit provided on or in a cover provided with a connector as an interface to the outside or ambient surroundings, as set forth in Claim 21, as well as the claims dependent thereupon, not claiming the combinations set forth in Claims 27, 35 and 40 as well as the claims dependent thereupon, such as the combination which includes the electrical connection aggregated into a single connector, the connector and terminal formed at the cover with the motor being electrically connected to the connector, and the cover accommodating the control circuit and forming a space together with the throttle body, respectively, and not claiming the combination set forth in Claims 47-53.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the applicants.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Filing Date	Priority Claimed
<u>07-004673</u> (Number)	<u>Japan</u> (Country)	<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)	<u>19 January 1995</u> (Day/Month/Year)	<u>Yes</u>

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S. Patent No. 5,868,114, for which this is a reissue appln.</u> (Status)
--	---	--

We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Crowell & Moring, L.L.P.
P.O. Box 14300
Washington, D.C. 20044-4300
Telephone: (202) 628-8800
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:

Citizenship:
Post Office Address/

Residence:

Yasuhiro KAMIMURA

Japan
511-11, Ichige
Hitachinaka-shi,
Japan

Sep. 2, 2003
(date)

Yasuhiro Kamimura
(signature of 1st inventor)

INVENTOR:

Citizenship:
Post Office Address/

Residence:

Yasushi SASAKI

Japan
1800-42, Hirano, Urizuramachi
Naka-gun, Ibaraki-ken
Japan

Sep. 5, 2003
(date)

Yasushi Sasaki
(signature of 2nd inventor)

INVENTOR:

Citizenship:
Post Office Address/

Residence:

Sadayuki AOKI

Japan
40, Takahamacho 3-chome
Takahagi-shi
Japan

Sep 2, 2003
(date)

Sadayuki Aoki
(signature of 3rd inventor)

INVENTOR:

Citizenship:
Post Office Address/

Residence:

Kazuo NAGAYAMA

Japan
209-6, Higashiishikawa
Hitachinaka-shi
Japan

Sep. 2, '03
(date)

Kazuo Nagayama
(signature of 4th inventor)